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Report of the Secretary-General pursuant to paragraphs 6 and 13 to 16 of Security Council resolution 1556 (2004)

I. Introduction

1. The present report is submitted pursuant to paragraphs 6 and 13 to 16 of Security Council resolution 1556 (2004) of 30 July 2004, in which the Council called on the Government of the Sudan to fulfil immediately all of the commitments it made in the joint communiqué issued by the Government of the Sudan and the United Nations on 3 July 2004. The Security Council further demanded that the Government of the Sudan fulfil its commitments to disarm the Janjaweed militias and apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out human rights and international humanitarian law violations and other atrocities; and requested me to report in 30 days, and monthly thereafter, to the Council on the progress or lack thereof by the Government of the Sudan on this matter. The Council also requested me to report on progress regarding humanitarian relief, and on assistance to the African Union with planning and assessments for its mission in Darfur.

II. Action taken in accordance with the joint communiqué of 3 July 2004

The Joint Implementation Mechanism and the first joint verification mission

2. In resolution 1556 (2004), the Security Council welcomed the joint communiqué and the creation of the Joint Implementation Mechanism, which was established to closely follow and appraise developments and periodically report on the implementation of the communiqué. The Joint Implementation Mechanism is co-chaired by the Minister for Foreign Affairs of the Sudan and my Special Representative for the Sudan.

3. Since the joint communiqué was issued, the Joint Implementation Mechanism has held four meetings, on 15 July and on 2, 12 and 19 August 2004. In addition, a number of consultations were held in the framework of the Mechanism, the last of them on 28 and 29 August 2004. The number of Member States participating in the Mechanism has increased over this period, and now includes several partner countries and members of the League of Arab States, as well as Nigeria representing the African Union (AU) in its capacity as current Chairman.

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4. At its first meeting, on 15 July, the Joint Implementation Mechanism agreed to field a joint verification mission to Darfur to assess three key areas, namely, (a) the continued Janjaweed presence; (b) the state of security, particularly in and around camps for internally displaced persons; and (c) the return and relocation of internally displaced persons. The mission visited Darfur from 26 to 28 July and its findings were reported to the Joint Implementation Mechanism at its second meeting, on 2 August. The mission concluded that no forced returns had been observed at the locations visited; security in camps for internally displaced persons had improved, and the Government had continued to take steps in this regard, most notably by deploying additional police. At its meeting the Mechanism also noted that the Government had a policy of voluntary return and had committed itself to strictly adhere to this policy, and that humanitarian access had improved.

5. However, on the most critical issue — the continuing insecurity and violence against civilians — there was clearly a need to accelerate the implementation of the Government's commitments and to make tangible progress. In particular, there were no indications at the beginning of August that the Government had taken any measures to "immediately start to disarm the Janjaweed and other armed outlaw groups", as required under the joint communiqué. At its second meeting, the Joint Implementation Mechanism agreed that the Government should lay out a road map detailing actions it would take within 30 days, covering certain regions and selected militias over which the Government has influence. This was on the understanding that these measures should start the disarmament process and help to achieve a measurable and substantial improvement in the security situation.

6. This approach, which was focused on a sequence of specific actions, areas and militias, was based on several important considerations that were shared by the United Nations and its partners: first, the acknowledgement that not all commitments made by the Government could be fully implemented within 30 days. Making an area the size of Darfur, in view of the number of armed men there and violent recent history, safe and secure for all civilians takes more than 30 days. Second, there was nevertheless an urgent need to take immediate action to start moving towards this ultimate objective. One month had passed since the signing of the joint communiqué and crucial Government commitments related to security were unfulfilled. Third, the Government had to demonstrate a genuine commitment to comply with its undertakings. It was felt that the best way for the Government to prove this commitment to the international community was by achieving substantial and verifiable progress on the ground within the first 30-day reporting period established by resolution 1556 (2004).

The Darfur Plan of Action and related measures

7. After further consultations between the Government of the Sudan, my Special Representative and the United Nations partners, the Darfur Plan of Action was agreed on 5 August to provide early indications to the international community that the Government had made positive progress in compliance with Security Council resolution 1556 (2004) by 30 August, and with the commitments in the joint communiqué, with particular emphasis on the implementation of commitments regarding security. It committed the Government to take several specific measures by the end of August, including the following three key steps:

(a) The Government would identify parts of Darfur that could be made secure and safe within 30 days;

(b) All offensive military operations by Government forces in those areas would cease immediately, including any offensive actions against rebel groups. The Government forces would exercise restraint and avoid retaliation against rebel activities, notwithstanding their right of self-defence; they would then be redeployed in such a way that they were not in direct contact with camps of internally displaced persons or with civilians;

(c) The Government would identify and declare those militias over whom it had influence and instruct them to cease their activities forthwith and lay down their weapons.

8. The participants in the Joint Implementation Mechanism viewed each of these steps as part of a process that had to lead, as soon as possible, to security and protection of civilians in all parts of Darfur. It was also made clear by my Special Representative and the United Nations partners — and was agreed by the Government — that improvements in the initial areas identified by the Government should not be accompanied by a deterioration of security conditions in other areas. There could be no trade-off in security conditions. The measures taken in the initial areas should serve as a model for the entire Darfur region.

9. After the third meeting of the Joint Implementation Mechanism, on 12 August, the Government on 15 August announced the selection of the areas that it would make safe and secure by the end of August. They included areas in each of the three States of Darfur, including the three State capitals and surrounding areas, as well as several other areas with large concentrations of internally displaced persons. It is estimated that there are 375,000 internally displaced persons in the areas identified, which represents about 30 per cent of the estimated total number of internally displaced persons (about 1,227,000) in Darfur as at 1 August. From the outset it was understood that the area to be made completely secure by the Government would have to be expanded substantially after the initial 30-day period.

10. In order to ensure security and protection in the selected areas, the Government on 19 August presented to the Joint Implementation Mechanism a detailed set of immediate measures it was taking. They included the deployment from 10 to 20 August of 2,000 additional police and 100 armed land-cruisers, and the securing and protection of villages within a 20-kilometre radius around the major towns identified. The measures drew a clear distinction between the respective mandates of the police and the military forces. As envisaged in the Plan of Action, the military would be redeployed to administrative headquarters and already existing military garrisons in order to avoid direct contact with civilians and internally displaced persons. Responsibility for internal security within the 20-km radius around the major towns would rest with the police, except that the military police would conduct extensive patrols to control military personnel and other persons in military uniform outside the camps. This would ensure that all persons wearing military uniforms in those areas were in fact legitimate military personnel. Inside the camps, the police are to ensure law and order and control all persons who may be armed. The carrying of weapons within the identified areas is not permitted except for the police and the regular armed forces. An instruction to this effect was issued by the Minister of the Interior on 24 August.

11. With regard to militias, the Government announced on 19 August that it will identify and instruct members of local tribes in the areas, both those previously mobilized within the Popular Defence Forces and those linked with those forces, not to conduct any activity and to stop carrying weapons in the identified areas.

III. Assessment of the implementation of commitments by the Government of the Sudan

12. In order to assess the implementation of the commitments made by the Government in the Darfur Plan of Action and the joint communiqué, three different phases can be distinguished, namely, (a) the formulation of detailed policies by the central Government; (b) ensuring the implementation of those policies by central and local authorities; and (c) the actual impact of the measures on the ground. The first two phases were discussed in detail at the Joint Implementation Mechanism meetings on 2, 12 and 19 August. In order to assess the impact of the measures being taken, the Mechanism decided on 19 August to deploy a second joint verification mission. The mission visited all three States of Darfur from 26 to 28 August.

13. Throughout the first phase, there was good cooperation between the Government and the United Nations and its partners. Each of the proposed measures was discussed in detail and suggestions made by the United Nations and its partners were taken into account before the measures were finalized and announced.

14. The second phase required the implementation of the announced policies and measures by all central and local Government authorities. The picture in this area is mixed. A number of steps have been taken to implement specific commitments. During the second joint verification mission, local authorities appeared to be well informed about the decisions taken in Khartoum and committed to their implementation, but the implementation of some commitments remains uneven or has yet to occur.

15. Lastly, the actual impact of the measures has resulted in some improvements on the ground but remains limited overall, as evidenced during the second joint verification mission. In part, this is the result of some measures having been implemented only recently, such as the arrival of additional police in the identified areas. The effectiveness of these recent measures therefore will have to be verified and, if necessary, enhanced in the coming weeks. Other measures that have been announced have yet to have any impact because the Government has not yet implemented them.

Disarmament of the Janjaweed and other outlaw groups

16. The most critical commitment that has yet to be implemented relates to the armed militias which continue to pose a serious threat to the civilian population. The commitment of the Government to disarm militias under its control goes back to the Humanitarian Ceasefire Agreement signed in N'Djamena on 8 April 2004. It was included in the joint communiqué and is a central demand of the Security Council in paragraph 6 of resolution 1556 (2004).

17. The position of the Government with regard to militias in Darfur has not always been the same since the joint communiqué was issued. Despite its

commitments in the joint communiqué to disarm the Janjaweed and other outlaw groups, the Government has stated repeatedly that it has no control or influence over the militias accused of attacking civilians and committing other atrocities in Darfur. During the discussions in the Joint Implementation Mechanism, the Government subsequently accepted the position of the United Nations and its partners that some militias were in fact under its influence, and that those militias should be identified and instructed to lay down their weapons. In the additional measures presented to the Mechanism, on 19 August, the Government also accepted that the militias under its influence were not limited to those previously incorporated into the Popular Defence Forces, but also included militias that were outside and later linked with or mobilized to join those forces. This means that the commitment to disarm refers both to the Popular Defence Forces and to militias that have operated in association with them.

18. The Plan of Action of 5 August identifies the first steps the Government of the Sudan has committed itself to taking towards disarming the militias: it will "identify and declare those militias over whom it has influence and instruct them to cease their activities forthwith and lay down their weapons". Following consultations between the United Nations and its partners and the Government, the Foreign Minister of the Sudan, at the fourth meeting of the Joint Implementation Mechanism, on 19 August, promised to present "names and numbers" in the very near future. On the same day the Government committed itself to reducing the number of those linked with or mobilized to join the Popular Defence Forces by 30 per cent, and to collect their weapons.

19. The disarming of members of the Popular Defence Forces has started. The second joint verification mission observed a demobilization ceremony of about 300 soldiers in Western Darfur. It was agreed with the Government that the names of the demobilized soldiers and the numbers of their weapons would be handed over to the AU Ceasefire Commission as soon as possible. In Southern Darfur, the joint verification mission on 27 August inspected 157 arms in Kass that had been given up by members of the Popular Defence Forces the previous day, and was told about similar efforts in other locations in Southern Darfur.

20. At the same time, the United Nations continues to receive reports of militia activities in all three States of Darfur. Of particular concern are several militia attacks on villages in the Yassin area, north-east of Nyala, during the second half of August. More than 50 people were apparently killed in those attacks. Some villages in this area were attacked as many as three or four times over the course of several days, and have been completely looted and destroyed. To the extent that the militias who carried out these attacks were under the influence of the Government, the wanton destruction of the villages and the killing of a large number of civilians constitutes a serious breach of the Government's commitments. Even if the militias were outside the influence of the Government, it was the Government's responsibility to intervene to ensure the protection of the civilian population in this area.

21. Militia activities were also reported in Western Darfur, including the Nertiti area and in Masteri, a village south-west of Al Geneina, where representatives of some 30,000 internally displaced persons told United Nations staff in mid-August that they were being attacked regularly by Janjaweed when they ventured outside the village. United Nations agencies have also observed an increase in the

Janjaweed presence around Sissi camp, which has severely limited the safety of displaced persons venturing outside the camp to conduct business essential to life support.

22. It is too early to determine whether the planned disarmament of 30 per cent of the Popular Defence Forces will have a significant impact on the level of militia activities in Darfur. It is clear, however, that the disarmament of militia has to go beyond the Popular Defence Forces, as required under resolution 1556 (2004) and reflected in the Government's commitments of 19 August. To date, the Government has not identified any militias that are currently outside the Popular Defence Forces. Neither has it provided evidence that it has issued specific instructions to the leaders of militias under its influence to cease their activities and lay down their weapons. The names of the militia leaders concerned and the numbers under their command have not yet been provided to the United Nations.

23. The actual disarmament and demobilization of militias that have been engaged in the conflict in Darfur will not be an easy or quick process. Fears of revenge and a strong unwillingness to disarm unilaterally will present challenges to any disarmament process. A comprehensive disarmament and demobilization programme is urgently needed, however, not only to put an immediate stop to attacks against civilians but also to improve the general level of confidence in security conditions. Such a programme should include measures to reintegrate demobilized fighters into their communities. Unless such programmes are developed and implemented quickly, the disarmament and demobilization of the fighters could itself become a source of further insecurity. It is incumbent upon the Government to ensure that no more attacks on civilians occur, whether the perpetrators are under its influence or not. The Government should be prepared to accept assistance from the international community if it is unable to stop these attacks and ensure the protection of the civilian population in the Darfur region.

Government of the Sudan armed forces

24. For the most part, the commitments by the Government of the Sudan concerning the armed forces, as outlined in paragraph 7 (b) above, have been implemented.

25. However, recent actions by the Government of the Sudan armed forces involve a level of violence that seems at odds with the principle of restraint it promised to observe under the Plan of Action. According to initial reports, Government aircraft were involved in a clash with rebel forces some time between 26 and 28 August 2004. The AU Ceasefire Commission is being asked to investigate the incident.

26. In addition to the fighting on 26 August, there have been accounts by refugees and internally displaced persons of other attacks by Government forces during the month of August, allegedly in collaboration with armed militias in some cases. The United Nations has not been in a position to verify any of the allegations. Any information related to alleged attacks by Government forces is being provided to the AU Ceasefire Commission and its monitors, mandated to investigate possible ceasefire violations. The Chairman of the AU Ceasefire Commission, Brigadier General Okonkwo, met with my Special Representative on 19 August and provided him with the ceasefire violation reports that the Commission has made public to date. The reports relate to incidents that occurred on 1, 3, 5, 10, 14 and 23 July 2004. In the same meeting, Brigadier General Okonkwo indicated that the Ceasefire

Commission had no evidence of any attacks carried out by Government aircraft since 30 June.

27. After the designation of the areas to be made secure by the Government of the Sudan, consultations between the Minister for Foreign Affairs and my Special Representative resulted in a qualification: no action would be taken that would lead to clashes with the Sudan Liberation Army (SLA) occupying positions in parts of the identified areas. The Minister further stated that instructions had been issued to the armed forces to exercise restraint and pull back in the case of attacks by rebel forces. This also allowed for related concerns expressed by the AU Ceasefire Commission. The second joint verification mission in Northern Darfur found that the perimeter to be made secure by the Government around Al Fasher had indeed been adjusted accordingly.

Police

28. In the joint communiqué, the Government committed itself to deploying a strong, credible and respected police force in all areas where there were internally displaced persons and other areas susceptible to attacks. All police units are to be trained in human rights law and held responsible for upholding it. According to information provided by the Government to the Joint Implementation Mechanism on 15 July about 4,000 police had been deployed to Darfur, and 500 additional police were to be deployed by the end of the month. On 12 August, the Government indicated to the Joint Implementation Mechanism that about 2,000 additional police would be deployed into the areas identified in accordance with the Plan of Action. Recently the Government has stated that in total 10,000 police officers have been deployed into Darfur.

29. The second joint verification mission found that additional police had been deployed to all three States of Darfur, together with armed land-cruisers and other equipment. The enlarged police force appears to be of a well-disciplined quality. Internally displaced persons remain deeply distrustful of the police, however. Allegations of theft and sexual harassment committed by police in and around certain camps of displaced persons were made. While internally displaced persons continue to claim that Janjaweed are being recruited into the police, their level of confidence in police sent to Darfur from other areas also appears to be very low. When asked whether they would lodge complaints with the police, they reacted with scepticism or said that they had been turned away. In some cases displaced persons identified the police as belonging to the group of people that had driven them from their homes. The police confirmed that they do not follow up accusations against unnamed perpetrators.

30. The internally displaced persons' perception of the police is symptomatic of a deep alienation of the displaced population from the Government. There seems to be a critical breakdown of confidence not only in the Government but more generally in all authorities. While a low level of confidence in the central Government is not a new phenomenon, recent events in Darfur have compounded this mistrust. The attitude of the displaced rests upon the assertion that the Government has been behind the terror and the trauma they have experienced. Rebuilding this shattered confidence cannot be done by the Government of the Sudan alone but will require the assistance of the international community.

31. In general, security inside the camps and in the immediately surrounding areas seems to have improved, as compared with the situation one or two months ago, and seems also to be better than outside those areas. Perceptions differ, however. Internally displaced persons indicated that they still feared attacks in areas beyond 1 to 2 km from the camps, while they felt relatively secure in the immediate surrounding areas. This finding reinforces the need for proactive police patrolling.

Access for humanitarian organizations

32. The joint communiqué provided for a moratorium on restrictions for all humanitarian work in Darfur, and committed the Government to removing any other obstacles to humanitarian work. In the Plan of Action, the Government committed itself to extending the fast-track procedures for humanitarian access until July 2005. A decree to this effect has been issued. As a result of these measures, humanitarian access has improved significantly since the joint communiqué was issued and has allowed the number of international humanitarian personnel in Darfur to be increased, from about 320 on 1 July to just under 500 as at 1 August. A significant number of additional international non-governmental organizations have also been registered.

33. At the same time, humanitarian agencies continue to encounter delays and difficulties. In some cases, commitments and decisions are not implemented by all Government authorities at the central and local level, or implemented only after repeated interventions and delays. The military intelligence service seems to be particularly influential where these difficulties are concerned. A recent example is the new procedures for humanitarian flights to Darfur that were agreed to by the Foreign Minister of the Sudan on 11 August after discussions with my Special Representative, and were to become effective on 14 August. The procedures abolished certain notification periods and would greatly facilitate humanitarian air operations, but they have yet to be fully implemented. Old procedures were initially applied when missions visited Darfur in the second half of August. There is still a clear need for more streamlined procedures and standards to be applied consistently by all parts of the Government. This would save the humanitarian agencies time and effort that should be spent on providing relief.

34. Access for all humanitarian workers to Kalma camp was denied for three consecutive days, following a violent incident inside the camp on 12 August. This complete denial of access to more than 50,000 internally displaced persons was effectively a collective punishment. It had severe consequences for the provision of life-saving assistance in the camp, notably the operation of therapeutic feedings centres and health clinics. In a discussion with my Special Representative, the Governor of Southern Darfur promised not to repeat this measure.

Returns

35. According to the joint communiqué, any return of internally displaced persons must be done in a truly voluntary manner in line with the Humanitarian Ceasefire Agreement. In the Plan of Action, the Government confirmed this policy and committed itself to signing an agreement with the International Organization for Migration (IOM) to oversee and assist in the voluntary return of internally displaced persons. This agreement was signed by the Government, IOM and the United Nations on 21 August. It provides that IOM, not the Government, will determine

whether returns are voluntary and appropriate. This determination has to be made before returns take place. IOM has agreed that this determination will be made in consultation with United Nations agencies, including UNHCR, active in the Sudan.

36. It seems that there are no forced returns, in accordance with the commitments made by the Government. It also seems, however, that in some areas local authorities continue to apply pressure directly or indirectly through community leaders, which is being resisted by internally displaced persons. Pressure to relocate or return, together with overcrowding, poor conditions during the rainy season, and security threats, has added to resentment, anger and frustration in many of the large camps and concentrations of internally displaced persons.

37. The internally displaced persons want to return to their villages, but they are willing to do so only when a number of conditions have been fulfilled. The conditions most frequently mentioned are (a) the disarming of the Janjaweed; (b) providing confidence and security for the safe return of the displaced persons; (c) the reconstruction of their villages and basic services; and (d) compensation for their loss.

38. Some of the displaced have returned to their villages during the daytime to tend their fields but return before nightfall for security reasons. A number of incidents have been reported in which returning displaced persons have been attacked or threatened by Janjaweed militias in the areas of return. The arrangements and standards envisaged by the agreement with IOM of 21 August will have to be put in place as soon as possible to ensure that returns only occur under appropriate and truly voluntary conditions.

Human rights

39. The joint communiqué contained several provisions relating to human rights, including commitments on the part of the Government to take concrete measures to end impunity and conduct immediate investigations of all cases of human rights violations, including those brought to its attention by the United Nations, AU and other sources, and to allow the deployment of human rights monitors.

40. A team of eight United Nations human rights observers was deployed to the three State capitals of Darfur in mid-August. The team from the Office of the United Nations High Commissioner for Human Rights (OHCHR) is working closely with the United Nations advance mission in the Sudan, the United Nations country team for the Sudan and other humanitarian actors on the ground to ensure that violations of human rights are effectively and quickly addressed and that better protection is afforded to the people of Darfur. They will also assess the extent to which local, regional and national authorities fulfil their responsibilities in this regard, in keeping with international standards. Before their departure from Khartoum, the human rights officers were assured by the Minister of Justice that the Government would take any measures required to facilitate their work on the ground. It goes without saying that all organs of the Government of the Sudan must allow the human rights monitors to carry out their mandates without any interference.

41. Since the adoption by the Security Council of resolution 1556 (2004), specific attention is being paid by OHCHR to efforts by the Government of the Sudan to "apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out human rights and international humanitarian law violations

and other atrocities". Concerns have been raised with regard to recruitment of Janjaweed as police or security officers in Darfur or elsewhere in the Sudan, and also with regard to the Sudanese authorities, recasting and charging common criminals as Janjaweed, presumably in an attempt to display a resolve to deal with this pernicious problem. The Government has repeatedly denied such allegations at Joint Implementation Mechanism meetings. A credible vetting process needs to be established to ensure that Janjaweed are not absorbed into the official Sudanese forces. It is incumbent on the Government to bring to justice those who are responsible for serious violations of human rights. On 19 August, the Government had presented a list of criminal reports against lawbreakers (1-16 August 2004) to the Joint Implementation Mechanism, which contained 24 cases of alleged criminal acts. In most of the cases, however, the accused were identified as "unknown armed men". An active and systematic effort to end impunity does not yet seem to be in place.

42. Reports of rape, sexual violence and exploitation remain a major concern that was discussed extensively within the framework of the Joint Implementation Mechanism. In addition to the disturbing reports of rape and sexual violence being committed by armed militias in many parts of Darfur, there have been allegations of sexual harassment and exploitation of internally displaced persons by "men in uniform". These allegations and reports will also be investigated by the United Nations human rights monitors. On 19 August, the Government reported to the Joint Implementation Mechanism about two rape cases that were being investigated in Western Darfur.

43. The Government of the Sudan informed the Joint Implementation Mechanism on 2 August that it had established a special committee of female judges, police and Ministry of Justice officials to investigate rape cases. While this is a commendable initiative, the Committee's mandate appears to be limited and resources and logistical support are lacking; it will require technical assistance to improve its methodology and approach. The United Nations is committed to providing this support, which the Government has welcomed. In addition to supporting the work of the committee, an effort is required to improve the investigation and prosecution of rape cases more generally, particularly to enable rape victims to come forward with confidence and without fear of retribution or stigmatization. Given the scale of the accusations and the impact on the relations between the communities, a proper investigation and acknowledgment of the use of rape and sexual violence in the conflict will also be an essential element of reconciliation.

44. The legal obstacles to the treatment of victims of gender-based violence in Darfur are a matter of concern. This issue was taken up with the Minister for Foreign Affairs and the Minister of Justice at the Joint Implementation Mechanism meeting on 19 August, with a view to amending current legislation. At present rape victims can receive medical treatment only if they first present a police incident report, a requirement that discourages victims from seeking medical assistance.

45. The joint communiqué also committed the Government of the Sudan to ensuring that the national commission of inquiry, established by presidential decree in May, receives the necessary resources to undertake its work and that its recommendations are fully implemented. The members of the commission met the human rights officers after their arrival in Khartoum. They briefed them about the commission's first visit to Darfur. In the meantime, OHCHR has raised several

concerns about the national commission of Inquiry, in particular with regard to the composition of the commission and the apparent exclusion of military and security officers from its investigations. Reportedly, the commission has so far devoted little time to visiting camps of internally displaced persons or establishing contact with victims of abuse.

Reconciliation and confidence-building

46. As required by the Plan of Action, a conference of local leaders was held in Khartoum on 11 and 12 August. The conference reviewed draft legislation on the native administration of the three Darfur States, and discussed social reconciliation and the role of the traditional administration in the disarmament process. The participants adequately covered the three Darfur States, and all major tribes and the interests of both pastoralists and nomads were well represented. Most of the traditional local leaders were present, including leaders who are known to have political views at variance with those of the Government.

47. The Native Administration Law for the three Darfur States was adopted on 19 August by emergency presidential order. The law contains criteria for the selection of native administrators and provisions relating to administrative, security, judicial, executive and other issues. The law provides for a general framework that would need to be further developed through secondary legislation and implementation procedures to help address the conflict in Darfur in a transparent and sustainable manner. It will be important to ensure that the selection of the native administrators is done in a transparent and inclusive manner, and that mechanisms are created that will ensure their accountability to the communities in the region.

48. As indicated above, a key concern is the breakdown of confidence among internally displaced persons towards the autnorities. While local authorities, including the Walis (governors), police chiefs and the humanitarian aid commissioner, seem committed to efforts aimed at reconciliation and confidence-building, it is clear that this will require concrete policies and a concerted effort over an extended period of time. Greatly improved communication with the displaced population will have to be an important element of this process. Mechanisms should be established that allow the displaced to voice their concerns, be fully informed and consulted on all issues that affect them. These mechanisms should include, in particular, women as well as traditional leaders from the local community who belong to the same tribes as the displaced persons and could act as bridge builders.

IV. Humanitarian situation and response

49. The capacity of humanitarian agencies on the ground has continued to increase. From 1 June to 1 August, the number of international staff in Darfur increased from about 170 to slightly fewer than 500, and the number of national staff rose from around 1,140 to close to 3,700. More than 30 international non-governmental organizations, United Nations agencies and Red Cross and Red Crescent missions are now operating in Darfur, and 10 additional organizations are in the process of starting operations. In several critical sectors, the number of internally displaced persons and others affected by the conflict who are receiving assistance has substantially increased over the same period.

50. The number of those who require relief has also increased, leaving many without the necessary assistance. In July, the total estimated number of displaced persons increased by almost 200,000, to more than 1.2 million. The number of host communities and others requiring humanitarian relief increased by more than 60,000 over the same period. The increase in the number of the displaced seems to be caused by several factors, namely: agencies are expanding their geographical coverage and reaching and registering more displaced persons; some local residents have been trying to register as internally displaced persons to receive assistance; others may have left their villages to seek assistance that is being provided in the camps. It appears that the main reason for further displacement remains insecurity, however. This includes ongoing Janjaweed activities, clashes between the rebel movements and Government forces, and tribal conflict.

51. United Nations agencies and non-governmental organizations have also gained greater access to rebel-held areas in recent weeks, carrying out assessments and delivering assistance. After several security incidents occurred in those areas late in July, a meeting with representatives of the rebel movements was held in Asmara on 6 August. Operational modalities were agreed for food convoys and a vaccination campaign in rebel-held areas. Additional contacts with SLA have been made in the past two weeks to ensure full and unimpeded humanitarian access to areas under their control. A worrying recent development is that, since shortly after the start of the vaccination campaign, three national staff members have been missing. It was therefore decided to halt the campaign.

52. The gaps between the needs and the assistance being provided have not narrowed significantly in recent weeks. This applies in particular to water and sanitation, more than to food. In Chad, more refugees have been arriving at the refugee camps established by UNHCR. Along the border, there is an increased number of internally displaced persons and returnees from the Chadian side, who cannot easily be assisted. About 18,000 remain near the border but many of them are running out of food and other basic supplies. The same is true for people in rebel-held areas. Malnutrition rates are still at alarmingly high levels. The risk of an epidemic is still of equal concern.

53. This shows that there is an urgent need for a further build-up of capacity in virtually all critical sectors, both in Darfur and Chad. The relief activities also require substantial additional funding. On 25 August, the United Nations presented the remaining humanitarian requirements for the Sudan for 2004, including revised requirements for Darfur. Together with new requirements for the relief effort in Chad, the total funding requirements for the United Nations response to the Darfur crisis are now $531 million. Only slightly more than 50 per cent of these requirements have been provided to date, leaving a funding shortfall of $255 million for the Darfur crisis alone. A further $246 million are still needed for urgent priorities in other parts of the Sudan, including assistance to spontaneous returnees in southern Sudan.

V. Assistance to the African Union mission in Darfur

54. In resolution 1556 (2004), the Council requested me to assist the African Union with planning and assessments for its mission in Darfur. Accordingly, I dispatched a team of experts to AU headquarters in Addis Ababa and to the Sudan,

from 4 to 17 August. The team was led by the Military Adviser of the Department of Peacekeeping Operations, Major General Patrick Cammaert, and worked in close collaboration with the AU Commission to produce a comprehensive plan for an expanded AU mission in Darfur (AUMIS). The plan reflects the operational concept and includes all logistical, support and budgetary requirements related to an expanded AU mission. In addition to Darfur-based activities, it reflects requirements necessary to support AU in managing and directing a complicated field operation.

55. The plan is based on consultations with the parties, members of the affected population, United Nations agencies and non-governmental organizations. It also takes into account, and seeks to build upon, the experience of the AU mission in Darfur so far. In keeping with the agreement with the parties of 28 May on the implementation modalities of the Humanitarian Ceasefire Agreement, it provides for observers as well as an element to protect them.

56. It is generally agreed that the initial AUMIS deployment has been useful, but that the mission's effectiveness has been constrained by its small size and by logistical challenges. AUMIS has not been able, therefore, to allay the serious security concerns of internally displaced persons and returnees. There are many indications that an international observer presence with a protection element, if sufficiently widespread, would mitigate this situation and have a positive effect in promoting both the perception and the reality of security. This in turn would facilitate the delivery of humanitarian assistance and, beyond that, the return of displaced persons in time for the next planting season.

57. In view of the continued activities of armed militias in many areas, the protection element is essential to protect AUMIS personnel, equipment and installations. While protection of the civilian population is the responsibility of the Government, the AUMIS protection element would protect civilians whom it encounters under imminent threat and in the immediate vicinity, within its capability.

58. In addition, in the light of the findings of the team from the Department of Peacekeeping Operations, there is an acute need for a substantial civilian police component to assist with monitoring and capacity-building of the national police. The effectiveness of the police could be heightened with training in a variety of techniques, such as a proactive approach to patrolling, as well as systematic efforts to build trust with the affected population, particularly the internally displaced persons. These training and capacity-building programmes would supplement ongoing police training seminars, conducted by the United Nations Children's Fund, and a training programme funded through the United Nations Development Programme which is due to start shortly.

VI. Concluding observations

59. The conflict in Darfur has caused enormous suffering to the civilian population. The violence and atrocities committed against civilians, including killings, rape and the destruction of hundreds of villages, have been documented in gruesome detail. While the current conflict started with an armed rebellion against the Government of the Sudan in February 2003, most of the targeted violence resulted from a scorched-earth policy adopted by armed militias, and resulted in the

forced displacement of more than 1.3 million people within Darfur and across the border to Chad.

60. Certain of the measures taken by the Government of the Sudan in accordance with the joint communiqué and the Darfur Plan of Action have resulted in some progress. Among those measures are the improvement of security in some specific areas where internally displaced persons are concentrated, the deployment of additional police and the beginning of disarmament, the lifting of access restrictions for humanitarian relief, the commitment to a policy of no forced returns, and the establishment of human rights monitoring and investigations.

61. Stopping attacks against civilians and ensuring their protection is the responsibility of the Government of the Sudan. The Government has not met this obligation fully, despite the commitments it has made and its obligations under resolution 1556 (2004). Attacks against civilians are continuing and the vast majority of armed militias have not been disarmed. Similarly, no concrete steps have been taken to bring to justice or even identify any of the militia leaders or the perpetrators of the attacks, allowing the violations of human rights and the basic laws of war to continue in a climate of impunity. After 18 months of conflict and 30 days after the adoption of resolution 1556 (2004), the Government of the Sudan has not been able to resolve the crisis in Darfur, and has not met some of the core commitments it has made.

62. The displaced have been terrorized and traumatized, and have lost confidence in the authorities. The increasing level of animosity between different communities and tribes within Darfur has gone hand in hand with a breakdown of traditional mechanisms for resolving differences. The process of reconciliation and of rebuilding the confidence of the people of Darfur in each other and in the Government will take time, patience and, above all, the prospect of a peaceful potential solution to the conflict.

63. Both in the joint communiqué and in the Plan of Action, the Government promised to resume the political talks on Darfur to reach a comprehensive solution acceptable to all parties in the conflict. The search for a political solution is now under way in Abuja. I welcome the fact that the parties have been able to agree on an agenda which includes both emergency and long-term concerns: humanitarian issues, security, political questions and social-economic issues. I urge the parties to continue and redouble their efforts, with the assistance of the African Union and the other international mediators. The United Nations is participating as an observer and supporting the AU mediation effort by providing experts and advisers to the mediator. At the same time as political talks proceed, the parties should exercise maximum restraint on the ground and fully respect the Humanitarian Ceasefire Agreement. This applies equally to the Government of the Sudan and to the rebel movements.

64. I believe that a substantially increased international presence in Darfur is required as quickly as possible. The comprehensive plan for an expanded AU mission in Darfur that the United Nations has assisted the African Union in formulating provides a blueprint for such a presence, which could help to improve the situation in critical respects: it could decrease the level of violence and enhance the protection of the civilian population, particularly those who have been displaced.

65. A larger international presence could monitor the implementation of the parties' commitments more effectively, including their commitments under the Humanitarian Ceasefire Agreement and important elements of the joint communiqué. This would help to build confidence between the parties, a precondition to the success of the political process and compliance with agreements reached. Training and building the capacity of the national police and monitoring their behaviour could increase the quality of policing and provide a greater degree of protection. Proactive monitoring and patrolling of all parts of Darfur would enhance security and facilitate the delivery of humanitarian relief. Active and timely mediation on the ground would help to prevent the escalation of conflicts and stem violence. By providing the population with an increased sense of security and protection, a sizeable international presence would ease the level of tension and anger, and create the necessary conditions for the population of Darfur to start their own reconciliation process.

66. Without security and at least the beginning of a meaningful process of reconciliation, most of the displaced people in Darfur and Chad will not be able to fulfil their greatest desire: to return to their homes in peace. Although it is unlikely that the conditions in Darfur will permit a voluntary and safe return any time soon, all our efforts should continue to be guided by this ultimate objective.

67. Lastly, the crisis in Darfur cannot be seen in isolation from the search for a comprehensive peace in the Sudan. While the parties search for a political and peaceful solution to the crisis in Darfur, simultaneous efforts are required by all concerned to restart and conclude the IGAD peace talks as soon as possible. This completion would prove that peace negotiations can indeed produce results. Moreover, the outcome of the talks in Naivasha could serve as a model for the talks on Darfur and instil more confidence among the rebels in the process. Any effort to make the conclusion of the IGAD process conditional on an end to the crisis in Darfur would be counter-productive, with consequences that could further destabilize the country and the region, and ultimately prolong the crisis in Darfur itself.